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10/766,247	01/28/2004	James Roach	077283.0103	4164
5073	7590	07/26/2006	EXAMINER	
BAKER BOTTS L.L.P.			DINH, KHANH Q	
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SUITE 600			PAPER NUMBER	
DALLAS, TX 75201-2980			2151	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,247

Applicant(s)

ROACH, JAMES

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 41-52 and 54-60 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12, 41-52 and 54-60 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/28/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Amendment filed on 4/28/2006. Claims 1-12 and 41-52 and 54-60 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12, 41-52 and 54-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Herrod et al., US pat. No.6,405,049 (hereafter Herrod).

As to claim 1, Herrod discloses a method for remotely collecting data from a dealer management system (12 fig.2a), comprising:

identifying a dealer management system (12 fig.2a) that is coupled to a secure data access port, wherein the secure data access port (connecting to an access point 66 fig.5, see col.10 lines 25-58) is also coupled to a public network (internet/Intranet 15 fig.2a), and the dealer management system is coupled to at least one client device (10 fig.2a) and is operable to process dealer initiated transactions from the client device (processing and downloading data information to a portable device, see abstract, figs.1, 2a, 5, col.5 line 33 to col.6 line 48);

remotely connecting to the dealer management system from a remote system (host system) using the public network, wherein the remote connection is a public

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connection established through the secure data access port, and the secure data access port is operable to pass remote transactions received from the remote system to the dealer management system (see col.7 lines 1-38 and col.8 lines 21-65);

forwarding a remote transaction from the remote system to the dealer management system, wherein the remote transaction includes a request for stored data and is given a priority level by the dealer management system that is similar to client initiated transactions (using customer's buying preferences and patterns, see col.9 lines 3-48 and col.11 lines 3-51); and

receiving at the remote system the requested data from the dealer management system (see col.11 line3 to col.12 line 42).

As to claim 2, Herrod discloses wherein remotely connecting to the dealer management system from a remote system using the public network comprises remotely connecting to the dealer management system using the Internet (see col.5 lines 33-65).

As to claim 3, Herrod discloses wherein the secure data access port is assigned an P address, and the remote system connects to the dealer management system using the Internet by entering the IP address of the secure data access port (see col.28 lines 35-65).

As to claim 4, Herrod discloses wherein the secure data access port including a security

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module that is operable to execute a security protocol that restricts access to the secure data access port wherein the security protocol includes: when initiating the remote connection with the secure data access port (using file access card, see col.27 lines 12-58), providing a private key that corresponds to a public key previously associated with the secure data access port if the private key corresponds with the public key, the remote system is granted access to the secure data access port otherwise remote access is denied (see col.28 lines 14-65).

As to claim 5, Herrod discloses the secure data access port includes a security module that is operable to execute a security protocol that restricts access to the secure data access port wherein the security protocol including when initiating the remote connection with the secure data access port providing an IP address of the remote system to the secure data access port, wherein the secure data access port is operable to determine if the IP address is an accepted IP address, and if the IP address is determined to be an accepted IP address, the remote system is granted access to the secure data access port, otherwise remote access is denied (see fig.21 and col.27 line 12 to col.28 line 65 and col.28 line 40 to col.29 line 65).

As to claim 6, Herrod discloses the secure data access port includes a security module that is operable to execute a security protocol that restricts access to the secure data access port, wherein the security protocol includes: when initiating the remote connection with secure data access port, providing a pass-code to the secure data

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access port and if the pass-code is determined to be a valid pass-code, the remote system is granted access to the secure data access port, otherwise remote access is denied (see fig.21 and col.27 line 12 to col.28 line 65 and col.29 lines 17-65).

As to claim 7, Herrod discloses logging on to the dealer management system by providing a pass-code, wherein the pass-code provides file level access to certain data stored in the dealer management system and the remote transaction includes a command to directly access data from the dealer management system (see fig.21 and col.27 line 12 to col.28 line 65 and col.col.29 lines 17-65).

As to claim 8, Herrod discloses in the secure data access port transforming the remote transaction into a format that is acceptable for processing by the dealer management system, wherein the transformed transaction is in substantially the same format as client initiated transactions and in the secure data access port, transforming the requested data received from the dealer management system into a format acceptable for transmission over the public network (see figs. 5, 33a, col.10 lines 25-58, col.9 line 13 to col.10 line 44 and col.16 lines 2-52).

As to claim 9, Herrod discloses the requested data received from the dealer management system is transformed into data packets acceptable for transmission to the remote system using the TCP/IP protocol in an encrypted format (see col.30 line 30 to col.31 line 48).

As to claim 10, Herrod discloses the remote transaction received from the remote system is transformed into a serial data stream acceptable for transmission to the dealer management system (see fig.33a, col.9 line 13 to col.10 line 44 and col.31 lines 3-65).

As to claim 11, Herrod discloses remotely connecting to the dealer management system from a remote system using the public network comprises remotely connecting to the dealer management system using an indirect connection that includes at least one intermediary device logically positioned between the remote system and the secure data access port (see fig.33a, col.9 line 13 to col.10 line 44 and col.16 lines 2-52).

As to claim 12, Herrod discloses wherein the secure data access port includes a board level computer, and the board level computer is operable to allow the remote system to remotely configure the secure data access port (see fig.33a, col.9 line 13 to col.10 line 44 and col.35 line 40 to col.36 line 59).

As to claims 41 and 51, Herrod discloses a system to facilitate the remote collection of data, comprising:

a secure data access port (access point 66 fig.5, see col.10 lines 25-58) coupled to a public network and a dealer management system (12 fig.2a), wherein the dealer management system includes at least one client device (10 fig.2a) and is operable to

process dealer initiated transactions from the client device (processing and downloading data information to a portable device, see abstract, figs. 1, 2a, col.5 line 33 to col.6 line 48), wherein the secure data access port is cooperatively operable with the dealer management system to:

accept a remote connection from a remote system, wherein the remote connection is a public connection established with the secure data access port, and the secure data access port is operable to pass remote transactions received from the remote system to the dealer management system (see col.7 lines 1-38 and col.8 lines 21-65);

receive a remote transaction from the remote system and forward the remote transaction to the dealer management system, wherein the remote transaction includes a request for stored data and is given a priority level by the dealer management system that is similar to client initiated transactions and forward the requested data received from the dealer management system to the remote system (using customer's buying preferences and patterns for processing data information, see col.9 lines 3-48 and col.11 line3 to col.12 line 42).

Claims 42-49 are rejected for the same reasons set forth in claims 12, 3, 4, 5, 6 and 8-10 respectively.

As to claim 50, Herrod discloses the secure data access port is coupled to a client device and the secure data access port is operable to provide pass-through connectivity

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to the dealer management system for the client device, and the pass-through connectivity occurs transparent to the client device (see fig.2b, col.10 lines 15-58 and col.12 lines 1-42).

Claims 52 and 54-60 are rejected for the same reasons set forth in claims 12, 3-6 and 8-10 respectively.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 53 rejected under 35 U.S.C. 103(a) as being unpatentable over Herrod in view of Reiner, US pat. No.6,219,676 (hereafter Reiner).

As to claims 13 and 53, Herrod's teachings still applied as in claims 1 and 51 above.

Herrod does not specifically disclose identifying an automobile dealership's dealer management system. However, Reiner discloses identifying an automobile dealership's dealer management system (see abstract, fig.1, col.5 line 20 to col.6 line 51). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Reiner's teachings into the computer system of Herrod to process client activities on the Internet because it would have handled a variety of client

requests through the web server and provided more utilizations of the computer system on the Internet communications network.

Response to Arguments

6. Applicant's arguments filed on 4/28/2006 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose "a secure data access port, a remote system, forwarding a remote transaction from the remote system to the dealer management system, wherein the remote transaction includes a request for stored data and is given a priority level by the dealer management system that is similar to client initiated transactions".

Examiner respectfully disagrees. Herrod discloses the Applicant's claimed invention. Specifically, Herrod discloses a method for remotely collecting data from a dealer management system (12 fig.2a), comprising identifying a dealer management system (12 fig.2a) that is coupled to a secure data access port (access point 66 fig.5, see col.10 lines 25-58), wherein the secure data access port is also coupled to a public network (internet/intranet 15 fig.2a). Herrod discloses a secure data port (using access point 66 fig.5 for connecting to terminal, see col.10 lines 25-58), forwarding a remote transaction from the remote system to the dealer management system, wherein the remote transaction includes a request (customer's request for data) for stored data and is given a priority level by the dealer management system that is similar to client

initiated transactions (using customer's buying preferences and patterns to provide suitable information to the customer as the customer proceeds around retail outlet and using known priority systems and algorithms to accept signals from nearest access points, see col.9 lines 3-48 and col.11 line3 to col.12 line 42).

- Applicant asserts that the cited reference does not disclose "the remote system connects to the dealer management system using the Internet by entering the IP address of the secure data access port".

Examiner respectfully point out that Herrod discloses the Applicant's claimed invention by disclosing a NFS Clients 374 typically require setup parameters such as IP address, log on name, password (see fig.21 and col.27 line 12 to col.28 line 65 and col.28 line 40 to col.29 line 65).

As a result, cited prior art does disclose a system and method for a method for remotely collecting data from a dealer management system, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

Conclusion

7. Claims 1-13 and 41-60 are rejected.
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

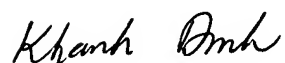
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Primary Examiner
Art Unit 2151
7/22/2006